

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

MICHAEL AVENATTI,

Defendant.

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19-CR-374 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:


On January 10, 2022, Defendant filed a motion seeking records pertaining to the mental and physical health of an anticipated witness at trial. On the same day, the Government filed an *ex parte* motion seeking authorization to withhold medical records regarding the same anticipated witness. Finally, on January 11, 2022, the Government filed a motion seeking to preclude cross-examination of Victim-1 concerning certain issues. All three motions were filed with a request that they be sealed.

Insofar as Defendant's motion and the Government's *ex parte* motion pertain to the medical history of a non-party, the Court agrees that they can and should be sealed. That said, the Court concludes that there is no valid basis for the Government's motion to be filed *ex parte*. Accordingly, the Government shall provide a copy to the defense immediately. (To the extent that the Government believes that it should be provided to the defense with any redactions, the Government may disclose a redacted copy and simultaneously seek the Court's leave for the redactions.) The Court concludes that the Government's motion with respect to Victim-1 can and "should remain under seal at least until the [Victim-1] testifies at trial." ECF No. 168, at 2.

Any opposition to the foregoing motions — whether by the opposing party or the relevant third party or parties — shall be filed under seal by **Thursday, January 13, 2022, at 5 p.m.**

SO ORDERED.

Dated: January 11, 2022  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge